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1400 Crescent Green, Suite 300 Cary, North Carolina 27511 (919) 854-1844 Facsimile: (919) 854-2084

TO: Hadi Shakeri
COMPANY: USPTO, Group Art Unit 3723
FAX: (703) 872-9302
FROM: Jennifer K. Stewart
DATE: 20 August 2003
APP. NO: 10/51488 (Attorney Docket No. 4818-002)
RE: Interview Summary

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Interview
Summary

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Williams et al.

Serial No.: ^{10/051,488} ~~010/51488~~

Filed: January 18, 2002

For: **Multipurpose Foldable Candle Tool**

Attorney's Docket No: 4818-002

Patent Pending

Examiner: Hadi Shakeri

Group Art Unit: 3723

Raleigh, North Carolina
20 August 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INTERVIEW SUMMARY

Applicant submits the following summary of the phone interview held with the Examiner on 19 August 2003 at 2:00 PM. During the interview, two main points were discussed. First, Applicant reiterated that the declaration submitted with the response dated 30 May 2003 provided evidence that the candle tool terms described and claimed in the present application have specific structural meanings to one skilled in the art. Therefore, these terms define structural limitations. However, the Examiner disagreed and asserted that the terms do not include or imply any specific structural limitations. As a result, the Examiner believes that any structure that is capable of performing the desired function meets the claim limitation. We disagree.

Secondly, Applicant questioned the §103 rejections. Specifically, Applicant questioned the motivation to combine the various references with the Leatherman reference. The Examiner repeatedly stated that an intended use provides a motivation to modify. As an example, the Examiner asserted that if the user intended to use the

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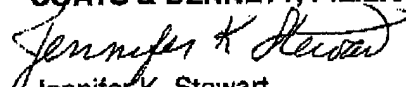
Leatherman tool while on a camping trip, then it would be obvious to incorporate an eating utensil, such as the spoon taught in Gross, with the Leatherman tool. In this example, the Examiner states that an intended use (a desire to eat with the multi-purpose tool) would motivate a skilled person to modify the Leatherman tool to include the spoon. Applicant reiterated that there was nothing in the cited references to motivate a person skilled in the art to make the modifications. However, the Examiner believes that, in each case, an intended use provides such motivation. We disagree.

The Examiner and Applicant agreed that the rejection of claims 13-14 should not be maintained. As a result, the Examiner will draft and send a supplemental office action objecting to claims 13-14 and indicating that claims 13-14 would be allowable if written in independent form including all of the limitations of the preceding claims. The supplemental office action will also include an interview summary from the Examiner.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

By:


Jennifer K. Stewart
Registration No. 53,639P.O. Box 5
Raleigh, NC 27602
Telephone: (919) 854-1844**CERTIFICATE OF TRANSMISSION**

I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING FACSIMILE TRANSMITTED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE, FAX NO. (703) 872-9302, ON THE DATE INDICATED BELOW.

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20 AUGUST 2003